

## **REMARKS**

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 2, 6, 7, 10, 11 were previously cancelled. Claims 1, 3-5, and 8-9 have been cancelled herein. Claims 13-24 have been added. Accordingly, claims 12-24 are pending in the application.

### **I. Claim Objection**

Claim 3 is objected to for informalities. Claim 12 is objected to as being a substantial duplicate of claim 8. In response, these claims have been cancelled. Thus, the objection to these claims is now moot.

### **II. Claims Rejected Under 35 U.S.C. § 102**

Claims 1, 3-5, 8, 9 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by WO 2001/15059 filed by Ilan G *et al.* ("Ilan").

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Thus, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In regards to claim 12, this claim recites "a plurality of pawns (10) that can be moved on the display device, each pawn including a means (100, 102) of receiving information by wireless transmission capable of communicating with said transmission means, a control means (112, 114) sensitive to the received information, and a means (116) of animating the pawns controlled by the control means, wherein each pawn has its own address for reception of said information, wherein each pawn is powered by a rechargeable battery, and the platform and the pawns comprise positions for recharging the pawns' batteries" (emphasis added). The Applicants respectfully submit that Ilan fails to teach these elements of claim 12.

Specifically, the Applicants submit that Ilan fails to at least teach an animated (i.e. variable shape) game element. Ilan does disclose motors belonging to a pawn (see Ilan, page 13, last paragraph and Fig. 8), but these motors are used for controllably moving the pawn to a location on the screen and not for animating the pawn (i.e. changing the pawn's shape). Thus, Ilan fails to teach these elements of claim 12 by failing to disclose wirelessly animating a game element. Thus, Ilan fails to teach each element of claim 12 and cannot maintain a rejection under

35 U.S.C. § 102. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 12 on this basis.

Additionally, the Applicants also submit that Gilboa fails to cure the deficiencies of Ilan. Specifically, as previously argued in response to earlier office actions, Gilboa does not teach that a game element is wirelessly controlled so as to change shape. Although the basketball player in Figure 20 of Gilboa may vary in shape, these shape changing features are disclosed to be performed by hand. Thus, Gilboa fails to teach or suggest animating a game element (i.e. changing the shape of a game element) through wireless commands, because Gilboa instead discloses animating a basketball player manually by hand. Therefore, Gilboa fails to cure the deficiencies of Ilan.

### **III. New Claims**

The Applicants respectfully submit new claims 13-24. These new claims are supported, for example, by Figures 9a and 9b of the Application as filed. Further, the Applicants submit that neither Ilan nor Gilboa in combination or alone disclose each element of claims 13-24.

In particular, claims 13-24 recite a game element that receives wireless commands which the game element use to change its shape. As noted above in relation to claim 12, both Ilan and Gilboa fail to disclose wirelessly changing the shape (i.e. animating) a game element.

Ilan does disclose motors belonging to a pawn (see Ilan, page 13, last paragraph and Fig. 8), but these motors are used for controllably moving the pawn to a location on the screen and not for changing the pawn's shape. Thus, Ilan fails to teach these elements of claims 13-24 by failing to disclose wirelessly animating a game element.

Additionally, Gilboa fails to cure the deficiencies of Ilan. Although the basketball player in Figure 20 of Gilboa may vary in shape, these shape changing features are disclosed to be performed by hand. Thus, Gilboa fails to teach or suggest animating a game element (i.e. changing the shape of a game element) through wireless commands, because Gilboa instead discloses animating a basketball player manually by hand. Therefore, Gilboa fails to cure the deficiencies of Ilan.

Thus, for at least the reasons provided above, neither Ilan nor Gilboa in combination or alone disclose each element of claims 13-24. Accordingly, the Applicants respectfully request allowance of these claims at the Examiner's earliest convenience.

### **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

### **PETITION FOR EXTENSION OF TIME**

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on May 22, 2009, Applicant respectfully petitions Commissioner for a three (3) month extension of time, extending the period for response to November 22, 2009. The amount of \$555.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(3) small entity will be charged to our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: 6/23, 2009

  
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### **CERTIFICATE OF MAILING:**

I hereby certify that this paper is being transmitted online via EPS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on November 23, 2009.

  
Jessica Huester

W9-11-23  
Date